United Nations CRPD/C/MLT/Q/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Malta*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on how the amended Equal Opportunities Act, the Code of Organization and Civil Procedure, and the Civil Code, referred to in the initial report of the State party (para. 7),[1] establish a human rights model of disability in accordance with articles 3 and 4 of the Convention.

2. Please specify:

(a) The composition of the body tasked with the assessment and certification of persons with disabilities under the Equal Opportunities Act;

(b) The criteria of assessment and certification of persons with disabilities;

(c) The measures taken to implement provisions on reasonable accommodation and universal design, and the outcomes of the measures taken.

3. Please indicate whether a national strategy has been adopted to implement the National Policy for the Rights of Persons with Disability (para. 18). Please provide information on the government body or structure responsible for the implementation and monitoring of the policy, and on the human, technical and financial resources that have been allocated for its implementation. Please also provide updated information on the current activities of the consultative body for the Rights of Persons with Disability (para. 39) and clarify its role in the implementation of the policy.

4. Please provide information on measures taken by the State party to ensure the full and equal participation of persons with disabilities in legislative and policy formulation and in the implementation and monitoring of the Convention, such as the establishment of a permanent forum in which representative organizations of persons with disabilities participate.

5. Please specify the number of representative organizations of persons with disabilities, including organizations of women with disabilities and children with disabilities, that are engaged in awareness-raising and advocacy work, and the amount of funding for which they are eligible to apply.

* Adopted by the pre-sessional working group at its ninth session (12–16 March 2018).

[1] Unless otherwise indicated, paragraph numbers refer to the initial report of the State party (CRPD/C/MLT/1 and Corr.1).

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B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

6. Please provide information on:

(a) Whether the Equal Opportunities Act provides for protection against intersectional and multiple discrimination;

(b) The number of complaints on disability-based discrimination received to date by the mechanism established under the Equal Opportunities Act and the outcome of these complaints, including redress, compensation and rehabilitation for the victims;

(c) The budget allocation for the National Commission for Persons with Disability (para. 7) to investigate complaints and provide victims with the necessary support.

Women with disabilities (art. 6)

7. Please provide information on:

(a) Legislative and policy measures aimed at addressing aggravated forms of discrimination against women and girls with disabilities, particularly women and girls with psychosocial and/or intellectual disabilities;

(b) The number of women with psychosocial and/or intellectual disabilities who have been able to exercise their right to consent to sterilization under the National Policy on the Rights of Persons with Disability (para. 18).

8. Please specify whether the rights of women and girls with disabilities to education, employment, empowerment and advancement are mainstreamed in legislation and policies, in accordance with the Convention and taking into account Sustainable Development Goal 5.

9. Please specify the number of women with disabilities who have been victims of violence against women, of abuse and of neglect.

Children with disabilities (art. 7)

10. Please provide detailed statistics on the number of children with disabilities who have been placed in foster care and at the Young People's Unit in Mount Carmel (para. 203). Please indicate the steps taken by the State party to deinstitutionalize children with disabilities, especially those with psychosocial and/or intellectual disabilities.

11. Please provide information on any measures taken by the State party to ensure that children with disabilities can freely express their views on all matters affecting them, including the development of relevant legislation and policies.

Awareness-raising (art. 8)

12. Please provide updated information on the policy guidelines aimed at raising awareness about the rights of persons with disabilities and on the publication entitled "Rights, not Charity" (para. 40). Please indicate how media professionals are engaged in awareness-raising activities.

13. Please provide information on any measures taken by the State party to counteract the charity model of disability, which is still prevalent in the media (para. 43), and to revise the relevant legislation to bring it into accordance with the Convention. Please indicate whether these efforts are part of a comprehensive national strategy aimed at promoting awareness of the Convention and fostering respect for the rights and dignity of persons with disabilities.

Accessibility (art. 9)

14. Please provide detailed information on the implementation of the Access for All guidelines (para. 46) and on the advisory status of the National Commission for Persons

with Disability to the Malta Environment and Planning Agency. Please indicate whether smaller buildings, such as housing with fewer than 30 units, are regulated under these guidelines.

15. In line with target 11.2 of the Sustainable Development Goals, please provide information on how accessibility standards in relation to transport and information and communications technology are monitored and evaluated and what sanctions are imposed in case of non-compliance. Please also provide information on any measures taken to address the findings of the research project conducted in 2013 by the Foundation for Information Technology Accessibility (para. 67).

Situations of risk and humanitarian emergencies (art. 11)

16. Please inform the Committee about the extent to which the General Emergency Plan includes specific measures to ensure the protection and safety of persons with disabilities (para. 71). Please update the Committee on whether the SMS emergency service for persons with hearing impairment is operational, and provide any data on its use (para. 72).

Equal recognition before the law (art. 12)

17. Please provide data on persons currently placed under guardianship, disaggregated by age and sex. Please explain how the Mental Health Act and the Guardianship Act (paras. 77 and 78) ensure that persons with psychosocial and/or intellectual disabilities are not subjected to substituted decision-making regimes. Please provide additional information on the implementation of supported decision-making mechanisms as provided for in the Committee's general comment No. 1 (2014) on equal recognition before the law.

Access to justice (art. 13)

18. Please clarify what legislative measures have been introduced to implement the concept of "procedural and age-appropriate accommodation" in order to allow persons with disabilities to access the justice system.

19. Please state how the Code of Organization and Civil Procedure and the Criminal Code ensure that persons with disabilities can participate directly and indirectly in the justice system (para. 83). Please indicate what measures are in place to provide training on the human rights model of disability enshrined in the Convention for members of the judiciary, police and prison personnel and all those directly or indirectly involved in the judiciary.

Liberty and security of the person (art. 14)

20. Please indicate whether the State party intends to repeal the provision in the Mental Health Act that provides for the involuntary detention or hospitalization of persons with a "mental disorder" (para. 86), in accordance with the Committee's guidelines on the right to liberty and security of persons with disabilities (see A/72/55, annex).

21. Please specify the number of persons who have been detained or hospitalized on the basis of their psychosocial and/or intellectual disability since the adoption of the Mental Health Act in 2012.

22. Please explain what budgetary measures have been taken by the State party to transfer persons with disabilities, including women and girls with disabilities and persons with psychosocial and/or intellectual disabilities, from inpatient care in hospitals to community-based services.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

23. Please specify whether the preventive mechanism against torture under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is inclusive of persons with disabilities and, if so, how the Optional Protocol is being implemented. Please indicate how representative organizations of persons with disabilities are involved in the implementation of the Optional Protocol.

24. Please specify whether the State party intends to repeal the section of the Mental Health Act that provides for the use of restraint and seclusion of persons with a "mental disorder" (para. 93).

Freedom from exploitation, violence and abuse (art. 16)

25. Please indicate what legislative and policy measures have been taken to mainstream the protection from violence of women and children with disabilities, in accordance with the Convention. Please also indicate whether shelters for victims of violence are fully accessible.

Liberty of movement and nationality (art. 18)

26. Please provide information about the situation of refugees and asylum seekers with disabilities in the State party. In particular, please indicate whether the centres where they are received and housed meet the accessibility standards set out in article 9 of the Convention and in the Committee's general comment No. 2 (2014) on accessibility.

Living independently and being included in the community (art. 19)

27. Please provide information on what legislative and policy measures are in place to promote the right to live independently and to be included in the community. In particular, please indicate whether there are any budgetary allocations:

(a) To enhance the right of persons with disabilities to choose where and with whom they live;

(b) For the provision of personal assistants.

28. Please indicate whether children with disabilities other than visual impairment are eligible to claim allowances through the Disability Pension (para. 107). Please provide updated information on the "Fair Society for All" project and the draft standards for residential services (para. 112), including how they are being implemented and monitored.

Freedom of expression and opinion, and access to information (art. 21)

29. In the light of the State party's recognition of Maltese Sign Language as an official language, please provide information on measures to promote the use of sign language in all areas of life.

Education (art. 24)

30. Please explain how the Education Act and the 1993 National Policy on the Education of Persons with Disability (paras. 132 and 133) promote and protect the right of persons with disabilities to inclusive education. Please provide information on measures taken to address disability-based discrimination in the education system.

31. Please specify whether, since the State party's ratification of the Convention:

(a) Any research has been conducted on the socioeconomic and cultural benefits of inclusive education;

(b) A policy has been put in place for the mandatory training of teachers and administrative staff on the right of children with disabilities to inclusive education, in accordance with the Committee's general comment No. 4 (2016) on the right to inclusive education;

(c) A body has been set up to oversee curricular development with a view to promoting inclusive education;

(d) Accessibility standards have been monitored within and outside schools.

32. Please provide statistical information on the number of cases of denial of reasonable accommodation in relation to access to inclusive education that have been reported since the State party's ratification of the Convention.

Health (art. 25)

33. Please provide information on the time frame for persons with "learning disabilities" to be able to exercise their right to "capacity to consent" to sexual and reproductive health care (para. 156). Please also provide information on the measures taken to train health-care professionals on the rights of persons with disabilities, in accordance with target 3.7 of the Sustainable Development Goals.

Work and employment (art. 27)

34. Please provide information on:

(a) Whether the State party intends to repeal article 17 (3) of its Constitution, which states that "disabled persons and persons incapable of work are entitled to education and vocational training" (para. 164);

(b) The criteria that determine the suitability to work of persons with disabilities;

(c) Whether non-compliance with the quota system provided for in the Disabled Persons (Employment) Act is monitored and whether sanctions are imposed in that regard (para. 166).

35. Please provide statistics on the number of cases of denial of reasonable accommodation that have been reported since the submission in 2014 of the initial report.

Participation in political and public life (art. 29)

36. Please provide information on:

(a) When the State party intends to withdraw its reservation to article 29 (i) and (iii) of the Convention (para. 3) and to guarantee the rights of persons with disabilities, particularly persons with visual impairment and persons with intellectual impairment, to vote by secret ballot;

(b) How persons with disabilities effectively exercise their right to participate in political and public life, including the right to vote and to be elected, and access information on the entire political process.

Participation in cultural life, recreation, leisure and sport (art. 30)

37. Please provide information on measures taken, since the State party's ratification of the Convention, to:

(a) Promote and protect the right of persons with disabilities to inclusive sport, leisure and recreational activities;

(b) Ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

(c) Promote inclusive tourism.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

38. Please provide updated data, disaggregated by age, sex and type of disability, on persons with disabilities in the State party. Please explain whether the national database of persons with disabilities has been created in line with international human rights indicators and target 17.18 of the Sustainable Development Goals (paras. 11–12 and 216), how the database tracks data on persons who have multiple disabilities, and whether the State party has been systematically collecting data on persons with disabilities.

International cooperation (art. 32)

39. Please provide information on how representative organizations of persons with disabilities are engaged in international cooperation, policies, programmes and measures,

particularly in the implementation of the 2030 Agenda for Sustainable Development. Please indicate to what extent persons with disabilities were involved in the preparation of the State party's voluntary national review for the meeting of the high-level political forum on sustainable development that was held in July 2018.

National implementation and monitoring (art. 33)

40. In relation to the Parliamentary Secretariat for Rights of Persons with Disability and Active Aging (para. 220), please provide information on:

(a) Who appoints the Secretariat members;

(b) The present composition and number of persons with disabilities serving on the board of the Secretariat;

(c) Whether the Secretariat is vested with jurisdiction to investigate complaints.

41. With reference to the Committee's guidelines on independent monitoring frameworks and their participation in the work of the Committee (see CRPD/C/1/Rev.1, annex), please provide information on the measures adopted to establish an independent monitoring mechanism in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to ensure the involvement of organizations representing persons with disabilities in this framework.